



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting: Chairman Ann Brown  
Commissioner Mary Sheila Gall  
Commissioner Thomas H. Moore

ITEM:

Dive Sticks: Final Rule

DECISION:

The Commission voted unanimously (3-0) to issue a final rule banning dive sticks with certain hazardous characteristics. Commissioner Gall filed a statement regarding her vote, copy attached.

For the Commission:

A handwritten signature in black ink, reading "Sadye E. Dunn".

Sadye E. Dunn  
Secretary

\* Ballot vote due February 26, 2001



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

**STATEMENT OF THE HONORABLE MARY SHEILA GALL  
IN FAVOR OF MANDATORY STANDARDS FOR DIVE STICKS**

February 22, 2001

Today I voted to approve a rule banning dive sticks that do not meet certain performance standards. These performance standards require that dive sticks either be configured in a position that exceeds forty-five degrees from vertical, or that they bend when a force equivalent to a small child is applied to the point. These standards will eliminate the serious impalement injuries that have resulted when children have jumped or fallen on dive sticks.

I ordinarily favor voluntary rather than mandatory standards. In this case, however, the hazard of the product was inherent in a rigid, upright dive stick. Any voluntary standard would have to be identical to the mandatory standard to eliminate the risk. In any event, no voluntary standard exists and none was proposed during the course of the Commission's rulemaking. In such a case, the Commission has no choice but to proceed with mandatory rulemaking when confronted with a genuine hazard such as those posed by dive sticks.